

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed March 24, 2006. In that Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. Section 102(b) as anticipated by U.S. Patent 1,194,440 to Swortfiguer. Applicant respectfully traverses this rejection for the reasons set forth below.

As is well understood, for a proper rejection under Section 102, each and every element of the claim must be shown in a single prior art reference. Amended claim 1 recites the width of the foldover portion corresponds to the width of the back and is folded over the first and second sides and positioned between the back and the first and second sides. This relationship is clearly shown in the figures. For example, Figure 1 shows the width of the foldover portion 64 to be exactly the same as the width of the back 14. Figures 2A and 2B clearly show how the foldover portion 64 is folded over the upper edges 78 of the first and second sides 16 and 18. Swortfiguer discloses no such structure and therefore a rejection under Section 102 is not sustainable. Claims 2 and 3 depend from claim 1 and therefore claims 1-3 are believed patentable over Swortfiguer.

Method claim 4 recited the step of folding the fold over portion over the first and second side portions and inserting first and second tabs in slots in the first and second sides, respectively. Swortfiguer only folds separate tongues 18 and 19 over respective end flaps 10 and 11, and not a single fold over portion over both end flaps. Also, it shows no slot to receive a flap. Thus Swortfigure must fail as a Section 102 reference. In addition, claim 4 has been amended to recite the first and second tabs are positioned between the first and second side portions and the cover portion. In contrast, portions of tongues 18 and 19 of Swortfiguer are exposed outside the envelop, as clearly shown in Figures 3-6 of Swortfiguer.

New claims 5-14 have been added in the application. Claims 5-13 depend on claim 1 and claim 14 is a new independent claim.

Claim 5 recites a an expandable folder wherein the first and second sides have an upper edge, the upper edge forming a continuation of the first fold line of the flap, the foldover portion and cover portion being joined at a first fold line, the foldover portion folded over the upper edges of the first and second sides at the first fold line. As shown in the figures and described in the specification, the expandable folder 10 has upper edges 78 on the first and second sides 16 and 18 which form a continuation of the fold line 50.

Claim 6 recites an expandable folder wherein no additional fold lines exist between the back and first side, back and second side, front and back and back and flap. This is clearly shown in the figures and described in the specification. It should be noted Swortfiguer has six line marks 12 and 13 and six lines 7.

Claim 7 recites an expandable folder wherein no portion of the first and second tabs and slots are exposed when the folder is assembled. This is clearly shown in the figures and described in the specification. Tabs 68 and 70 are hidden from sight by the front 20 when they are inserted in slots 58 and 60, providing a very clean outer appearance to the folder 10. It should be noted Swortfiguer has portions of tongues 18 and 19 exposed at the exterior of the envelope.

Claim 8 recites an expandable folder wherein the first and second sides each have only a single slot. This is clearly shown in the figures and described in the specification. Sides 16 and 18 each have only a single slot 58 and 60, respectively.

Claim 9 recites an expandable folder wherein the flap has an end, the end received in the slot of the cover portion, at least a portion of the end of the flap positioned between the cover portion and first and second sides. This is clearly shown in the figures and described in the specification. The end of flap 22 will fit in slot 66, and at least of portion of flap 22 is positioned between cover portion 62 and the first and second sides 16 and 18 as will be clear from Figure 2B. It should be noted Swortfiguer discloses a top flap 6 which can only be held closed by a separate tape or cord passing through two slits 25 as recited on page 2, column 2, lines 73-79.

Claim 10 recites an expandable folder wherein the first and second tabs have an end, the ends received in the slots of first and second sides with the ends between the first and second sides and the front to prevent objects in the folder from inadvertently contacting the ends and forcing the ends out of the slots. This is clearly shown in the figures and described in the specification. Tabs 68 and 70 are inserted in slots 58 and 60 such that the ends of the tabs lie between the first and second sides 16 and 18 and cover portion 62, preventing any object in the folder 10 from contacting the ends of the tabs to accidentally push the tabs out of place. It should be noted that the ends of tongues 18 and 19 of Swortfiguer lie within the interior of the envelope and could be pushed out by the contents of the envelope.

Claim 11 recites an expandable folder wherein no additional fold lines exist between the back and flap, the portion of the expanding top section between the second and third fold lines remaining generally perpendicular the front and back as the folder is expanded such that a label on said portion remains readable from the top of the folder. This is clearly shown in the figures and described in the specification. As noted on page 6 of the specification, "the label section 82 will remain generally parallel the end of he expandable folder 10 as the folder is expanded in thickness to allow the label section 82 to be viewed easily". It should be noted Swortfiguer has no such structure, using six lines 7, with maybe only one folded.

Claim 12 recites an expandable folder wherein the first and second tabs do not move within the slots of the first and second side covers as the folder expands as the cover portion and foldover portion of the front are folded over upper edges of the first and second side covers. This is clearly shown in the figures and described in the specification. Tabs 68 and 70 are inserted in slots 58 and 60 once the foldover portion 64 is folded over the upper edges 78 of the first and second sides 16 and 18. It should be noted that in Swortfiguer the tongues 18 and 19 must be

positioned in different portions of the slits 14 and 15 depending on the degree of expansion of the envelope desired. Swortfiguer is not an accordion type folder.

Claim 13 recites an expandable folder wherein the foldover portion covers the slot in the cover portion preventing the flap from contacting objects in the folder as the flap is inserted into the slot. This is clearly shown in Figure 2B of the application. This is an advantage as the flap will not be caught on any object within the folder as it is inserted in the slot 66. It should be noted that the top flap 6 of Swortfiguer is not even inserted in a slot, but merely tied closed by a separate cord, as noted previously.

New independent claim 14 contains the recitations above, and in addition, sets out additional structure. This additional structure is clearly shown in the specification. For example, the upper edges 78 of the sides 16 and 18 are continuations of the fold line 50, while the lower edges of the sides 16 and 18 are continuations of the fold line 26, as clearly seen in Figure 1. Also, the side edges of the sides 16 and 18 are perpendicular the upper edges 78 and lower edges of the sides. Further, the sides of the cover portion 62 and fold over portion 64 are extensions of fold lines 34 and 42, and flap 22 tapers from the full width of the back 14 to its narrow end.

No fee is believed necessary to file this Amendment. However, if any fees are necessary for the proper filing of this Amendment, including any extension fees under Rule 136, please withdrawn them from Deposit Account No. 50-1274(LOCH B-2101).

Applicant respectfully requests that a timely Notice of Allowance be issued in this application.

Respectfully submitted,



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